

ILLINOIS POLLUTION CONTROL BOARD
October 9, 1975

ILLINOIS CENTRAL GULF RAILROAD,)
CENTRALIA SHOP,)
Petitioner,)
)
v.) PCB 75-222
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

This case comes before the Pollution Control Board (Board) upon a petition for variance filed by Illinois Central Gulf Railroad (hereinafter "Illinois Central") on May 29, 1975. Illinois Central seeks variance from Rules 202(b) and 302(a) of the Air Pollution Regulations until March 1, 1976. On November 22, 1974, the Board granted the Petitioner a similar variance until May 30, 1975. (PCB 73-547, 14 PCB 489). Illinois Central now requests an extension of this date. No hearing has been held in this matter.

Illinois Central owns and operates a facility known as the Centralia Shop located in Wamac, Illinois. It is Illinois Central's largest facility for building new freight cars and making major repairs on damaged freight cars. An integral part of this facility is an outdoor area in which the cars are spray painted--including interior and exterior painting and identification stencilling. The average number of cars painted per day is 12.4. The petition set forth the following calculations for current particulate emissions:

Average density of paints used	=	9.3 pounds/gallon
Average paint use (w/interior paint)	=	34 gallons/hour
Average process weight rate	=	316.2 pounds/hour
Overspray	=	25% overall
Current particulate emissions	=	79.05 pounds/hour

Allowable emissions under Rule 203(a) are 0.95 pounds/hour. Since the earlier variance Illinois Central has been proceeding on a compliance plan which proposes to reduce

emissions to 0.79 pounds/hour. This plan calls for construction of an enclosed facility utilizing a floor water wash booth, two down draft dynaclean water wash booths and a series of four wall mounted dry filter booths. In the earlier case, Illinois Central sought variance until March 1, 1976. The Board granted the variance until only May 30, 1975, indicating that inadequacies in the record prevented a decision as to whether a longer variance was warranted. Specifically, the Board indicated that the record did not 1) disclose the effectiveness of temporary walls built to protect neighbors from overspray, 2) explain the tardiness in applying for the variance and in initiating the compliance plan, or 3) disclose whether compliance could actually be achieved by March, 1976.

Illinois Central stated in its petition that construction of the permanent spray painting facility was begun on December 5, 1974. As of the date of the petition the following progress had been made:

1. All demolition, removal, and pile driving has been completed.
2. Materials for the building have been received and erection is approximately 60 percent complete.
3. Excavation, filling and grading is approximately 98 percent complete.
4. Concrete work is approximately 90 percent complete.
5. Plumbing work is approximately 75 percent complete.
6. Fire protection is approximately 39 percent complete.
7. Structural steel work is approximately 25 percent complete.
8. Electrical work is approximately 25 percent complete.

The long completion schedule was explained by the size (\$2,727,000) and uniqueness of the project. It is claimed that no other railroad is operating a facility of the same type, therefore requiring more engineering time. Financing has been obtained from the Illinois Industrial Pollution Control Financing Authority. Illinois Central further stated in its petition that the contractor is required to complete the job by mid-January, 1976, and is almost two weeks ahead of schedule.

Illinois Central alleged several hardships which would result if the variance were denied. Painting the freight cars, it is alleged, is necessary to prevent deterioration, to ensure visibility for purposes of safety and to comply with "marking" requirements of the Association of American Railroads and the Interstate Commerce Commission. To replace spray painting with brush or roller painting would

increase costs from \$8.25 to \$154 per car and make a large scale operation infeasible. Finally, Illinois Central alleges that a denial would ultimately detract from the company's future revenue by inhibiting the publicity and marketing functions of the painting.

The Agency filed its Recommendation in this matter on August 26, 1975. It indicated that an Agency investigation confirmed most of the foregoing facts. It recommended in favor of the variance, conditioned on monthly progress reports, and submittal of a performance bond equal to the cost of the compliance program. It further recommended that construction be required to be completed by February 1, 1976, since Illinois Central was already ahead of schedule.

In response to a June 6, 1975, Board Order seeking additional information, Illinois Central filed an amended petition which set forth ambient air quality data as obtained from the Agency's 1973 and 1974 Air Sampling Network Reports. The nearest monitoring stations to the Centralia-Wamac area are at Carlyle and Mt. Vernon, Illinois. Particulate data for both stations indicate compliance with National Ambient Air Quality Standards as they relate to both 24-hour and annual geometric mean concentrations. Furthermore, from the nature of the emissions there would seem to be more of a local nuisance problem than one of contribution to ambient air problems at distant locations. The Agency Recommendation indicated that although the area surrounding the railroad yards is partly residential, the population density is low. While several residents lodged complaints with regard to "film" and "paint specks" settling on their property, only one objected to granting the current variance request. The Agency claims that the failure of other residents to object is conditioned upon continued good faith efforts to remedy the overspray problem. Such good faith seems indicated by Illinois Central's completion of its temporary shielding walls, which it claims has reduced the distance of overspray by a factor of five. It is further indicated by the progress made to date on the new enclosed facility.

On the basis of the evidence presented above, the Board is of the opinion that a sufficient case of hardship and good faith has been made to warrant granting the requested variance. The inadequacies in the earlier record have been cured, since it appears that the temporary restraining walls have been effective and that compliance can in fact be achieved by March 1, 1976. We feel that a performance bond in this instance is unnecessary, since Illinois Central has

already evidenced good faith in expending over half of the estimated \$2.7 million cost of the project, as it so alleges in its reply to the Agency's Recommendation. We agree with the Agency that the earliest possible completion of the new facility should be accomplished. Although Illinois Central objects to moving up the completion date one month to February 1, 1976, thus allowing no leeway for possible winter construction delays, we note that the construction contract calls for completion by mid-January and that the contractor was in fact two weeks ahead of schedule. Construction of the new facility has already taken a long period of time and we feel that Illinois Central should be able to meet this advanced deadline.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that Illinois Central Gulf Railroad, Centralia Shop is granted variance from Rule 202(b) and 203(a) of Chapter Two from May 30, 1975 until February 1, 1976, subject to the following conditions:

1. Petitioner shall submit monthly reports indicating progress on the control program outlined in its construction permit. Such reports shall be due no later than the 15th of each month following the month detailed in the report, and be submitted to:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Control Program Coordinator
2200 Churchill Road
Springfield, Illinois 62706

2. Petitioner shall operate its temporary paint spray facility so as to minimize overspray impact on the public until completion of its new enclosed facility.

MR. DUMELLE DISSENTS.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 9th day of October, 1975 by a vote of 3-1.


Christan L. Moffett, Clerk
Illinois Pollution Control Board